

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	<b>ORDER DENYING GOVERNMENT’S</b>
Roger F. Kennedy, Donna J. Kennedy,	)	<b>MOTION FOR DEFAULT JUDGMENT</b>
individually, as Trustee under a Declaration	)	
of Trust dated August 9, 1989, Davy	)	
Ministries, a purported “Corporation Sole,”	)	
Daryl Kunz, Penelope Kunz, St. Alexius	)	
Medical Center Credit Union, and	)	Case No. 1:05-cv-084
The Treasurer of Mercer County,	)	
North Dakota	)	
	)	
Defendants.	)	

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On July 25, 2005, the Government filed a Motion for Default Judgment as to defendants, Roger F. Kennedy, Donna J. Kennedy, and Davy Ministries. See Docket No. 17. The Government also requested entry of default as to each. See Docket Nos. 8 & 13. As the parties well know, several orders have been issued concerning both the motion for default judgment and the entry of default. See Docket Nos. 21, 22, 28, & 31. However, as it stands, the Court has yet to take action on the original motion for default judgment. On March 13, 2006, attorney Sheldon A. Smith entered an appearance on behalf of Roger Kennedy, Donna Kennedy, and Davy Ministries, and subsequently filed an answer on their behalf on March 27, 2006. See Docket Nos. 29 & 32. Thus, the Government’s Motion for Default Judgment is **DENIED** as moot. (Docket No. 17). The Government does not oppose denial of the motion at this time.

**IT IS SO ORDERED.**

Dated this 24<sup>th</sup> day of May, 2006.

/s/ Daniel L. Hovland  
 Daniel L. Hovland, Chief Judge  
 United States District Court